

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 27, 1992

ALL-COUNTY LETTER NO. 92-11

SUBJECT: IN-HOME SUPPORTIVE SERVICES PROGRAM REQUEST FOR
REGULATIONS WAIVERS

REFERENCE: W&IC SECTION 18988 ET SEQ.

Assembly Bill 948 (Chapter 91, Statutes of 1991) provides authority for Counties to request a waiver of existing State regulations which hinder the coordination and provision of services in the In-Home Supportive Services Program.

The purpose of this letter is to remind Counties that the process for requesting such a waiver is contained in W&IC Section 18988 et seq. Counties must comply with the provisions of this statute when requesting a waiver to avoid delays resulting from a need for more information or clarification of the request. A copy of the appropriate code section is attached.

If you have any questions regarding this All-County Letter, please call Robert A. Barton, Chief, Adult Services Branch, at (916) 657-2143.

A handwritten signature in cursive script, reading "Robert A. Barton for", is positioned above the typed name of the Deputy Director.

LOREN D. SUTER
Deputy Director
Adult and Family Services

Attachment

cc: CWDA

SEC. 37. Chapter 12.9 (commencing with Section 18988) is added to Part 6 of Division 9 of the Welfare and Institutions Code, to read:

CHAPTER 12.9. REGULATORY FLEXIBILITY FOR ADULT SOCIAL SERVICES

18988. (a) In order to ensure maximum flexibility in providing adult social services programs administered by the State Department of Social Services, including, but not limited to, In-Home Supportive Services and adult protective services, and that are impacted by the realignment of state and county services by the act that added this chapter, a county may submit to the Director of Social Services a request to waive existing state regulations which hinder the coordination and provision of services.

(b) Any county may appeal any negative decision regarding a requested waiver of state regulations submitted pursuant to subdivision (a) that is made by the Director of Social Services to the Secretary of the Health and Welfare Agency.

18988.05. Any request under this chapter shall contain, at a minimum, all of the following:

(a) The regulation or regulations for which the county requests a waiver.

(b) A statement as to why the identified regulation or regulations should be waived.

(c) A statement as to why the identified regulation or regulations inhibit the efficient administration of the program.

(d) A comparison of the following:

(1) The services and the number of persons to be served under the requested waiver.

(2) The services and the number of persons to be served without the requested waiver.

(e) Projected costs or savings due to the requested waiver.

(f) Any impact on state and federal funding.

18988.10. When approving a county request for a waiver pursuant to this chapter, the Secretary of the Health and Welfare Agency shall ensure all of the following:

(a) Services and eligible persons served under the affected program are maintained.

(b) There is no increase in costs to the state or to clients.

(c) There is no loss of federal financial participation.

(d) The Secretary of the Health and Welfare Agency shall notify the appropriate policy committees and fiscal committees of the Legislature no later than 30 days before any waiver or waivers granted pursuant to this chapter take effect.